



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1646
Haruki OKAMURA et al) Examiner: Jiang, Dong #12
Appln. No.: 09/373,230) Washington, D.C.
Date Filed or 102(e) date:) Confirmation No. 2359
August 12, 1999)
For: IFN-Y PRODUCTION) February 7, 2003
INDUCTING PROTEIN AHD...) ATTY.'S DOCKET: OKAMURA=2E

**COMMUNICATION: REQUEST FOR CLARIFICATION
AND ACTION ON THE MERITS**

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

On January 23, **2002**, more than one year ago, the present applicants filed a continued prosecution application (CPA).

As of July 24, 2002, applicants had received no feedback from the PTO, so applicants filed a Request for Status.

Having still later received no feedback from the PTO, applicants filed a "Second Request for Status" on January 24, 2003.

Now applicants have received a confusing communication mailed February 4, 2003, from the PTO, copy

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attached as Exhibit A, entitled "Response to Status Request", which states as follows:

On February 3, 2003, EXPRESS ABANDONMENT (FOR ENTRY OF CPA/RCE/RULE 129) was indicated. Also, on the same date, a response to non-final Office Action was entered and forwarded to the examiner.

Applicants filed no papers in this case on February 3, 2003, so applicants are unclear as to the meaning of the above-quoted text from the "Response to Status Request" of February 4, 2003.

Also on February 4, 2003, applicants received a second communication from the PTO dated February 4, 2003, referencing the above-identified application, copy attached as Exhibit B, which states as follows:

The response to status request previously sent is in error. The case serial number should read as follows:

Re: 09/962,625
Atty.'s Docket: Yanai=2

I apologize for any inconvenience this error may have caused. If you have any further questions or concerns feel free to call us at the customer service department.

Applicants are even more mystified by this second document entitled "Response to Status Request -- Correction Notice".

Besides referring to an entirely different application, it does not address the fact that more than one year has passed since applicants filed a CPA in the above-identified

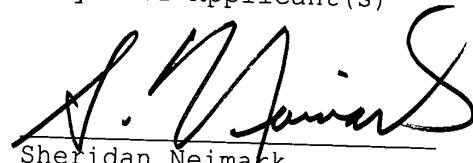
application, and that applicants have filed two requests for status since that time.

Applicants respectfully request that the above-identified application be forwarded to the examiner for examination, and applicants respectfully await an action on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Sheridan Neimark
Registration No. 20,520

SN:jec

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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Date:

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Response to Status Request

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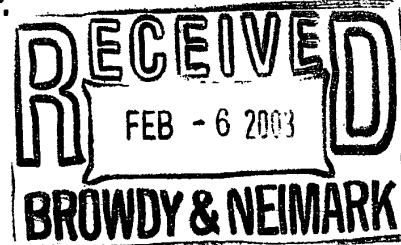
Re: 09/373,230

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Atty.'s Docket: OKAMURA=2E✓

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On 2/03/03, EXPRESS ABANDONMENT (FOR ENTRY OF CPA / RCE / RULE129) was indicated. Also, on the same date, a response to non-final office action was entered and forwarded to the examiner.



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EXHIBIT A

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BROWNDY & NEIMARK

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Response to Status Request
Correction Notice

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EXHIBIT B